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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/849,715

Filing Date: May 04, 2001

Appellant(s): KIRBAS ET AL.

Kathleen Connell (Reg. No.: 45,344)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 13 July 2010 appealing from the Office action mailed 20 October 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 46, 48, and 63-67.

(4) Status of Amendments After Final

The appellant filed on 09 July 2010 an amendment after final rejection that was entered as indicated in the office action (i.e., advisory) mailed on 30 August 2010.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The inclusion of claims 66-67 in the same grounds of rejection listing supports appellant's agreement of Admitted prior art and is hereby acknowledged. Also, see item 6 of the office action mailed on 01 April 2009.

The examiner has no further comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

A. Patent Document(s)

US 6,208,872 B1	SCHMIDT	03-2001
US 7,212,802 B2	RODRIGUEZ	05-2007
US 6,556,819 B2	IRVIN	04-2003
US 6,799,052 B2	AGNESS et al.	09-2004

(9) Grounds of Rejection Applicable to Appeal Claims

Note: As a result of the amendment as indicated above in item 4, the rejections have been modified to address the amendment.

The following ground(s) of rejection are applicable to the appealed claims:

A. Claim Rejections - 35 USC § 103

Claims 46, 48, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a read only memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited), at least a portion of which are authorized area codes (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7,

line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

the read only memory (58) also for storing one or authorized geographic areas (e.g., home system or roaming), wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a user interface (e.g., call initiator 36) accepting an inputted phone number (e.g., phone number) having an area code (e.g., phone number) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed "controller" connected to the read only memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2) determine whether the inputted phone number will incur a charge based on an evaluation of at least the area code (e.g., phone number) (see col. 6, lines 15-16,27-45;

col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), and

the list comprising area codes (e.g., phone number - home system or prohibited) and the one or more authorized geographic areas stored in the read only memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number

and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of a phone call to the inputted phone number only if the area code is an authorized area code (e.g., phone number - home system or prohibited) and the current location (e.g., geographic area 74, 76, 78, 80) of the wireless device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing the claim feature a list comprising area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current

location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) a global positioning system (GPS) device (160) for determining a current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100); a control unit (102) which reads on the claimed “controller” connected to the GPS device (160) (see Fig. 2),

the controller (102) configured to determine the current location (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the location of the terminal (100). As additional support, Irvin at the least further discloses having the feature(s) a read only memory (170) for storing a list comprising area codes (i.e., digit) (see col. 6, lines 1-18,33-37; Fig. 4 ‘ref. 460 & Fig. 4 ref. 470’), where the control unit compares the terminal (100) to the safe zones; area comprises absolute or relative position information (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) in correlation to safe zones; a controller (102) connected to the read only memory (150, 170), the user interface (108) (see Fig. 2), where the terminal has a transmitter 120 and receiver 140; and wherein the controller is further configured to permit placement (i.e., dialing) of a phone call to the inputted phone number only if the area code is an

authorized area code and the current location of the wireless communication device is within an authorized geographic area (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones. In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460") and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be implicit for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location from the GPS device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 48**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless communication device of claim 46, wherein at least a portion of the list comprising area codes are unauthorized area codes (see col. 5,

lines 51-54; col. 7, lines 38-40; Figs. 2-4), where the system has information stored in the memory (58); and

wherein the controller (54) is configured to block a phone to the inputted number if the area code is an unauthorized area code or the current location of the wireless communication device matches a predetermined physical location is not within an authorized geographic area (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 ‘ref. 92’ and 6a ‘ref. 124’), where incoming or outgoing calls are prohibited when roaming based on phone number and location stored in memory (58) in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 63**, Schmidt discloses a method for restricting a requested communication on a wireless communication device, comprising:

storing in a read only memory (58) of the wireless communication device (28) one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

storing in the read only memory (58) of the wireless communication device (28) one or more authorized telephone number area codes (e.g., phone number) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5

‘ref. 84’) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 ‘ref. 92’ and 6a ‘ref. 124 & 128’) and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 ‘ref. 86 and 90’, 6a ‘ref. 108 and 112’);

receiving the requested communication, wherein the requested communication comprises a telephone number having an area code (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 ‘ref. 86 and 90’, 6a ‘ref. 108 and 112’), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 ‘ref. 82’) as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

determining whether the area code of the requested communication telephone number is an authorized telephone number area code (e.g., phone number) stored in the read only memory (58) of the wireless communication device (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 ‘ref. 86 and 90’, 6a ‘ref. 108 and 112’), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call

to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

identifying a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining whether the current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) is within an authorized geographic area (e.g., geographic area 74, 76, 78, 80) stored in the read only memory (58) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84');

initiating a call to the telephone number in the requested communication only if the area code (e.g., phone number) of the requested communication telephone number is an authorized telephone number area code and the current location of the wireless communication device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are

permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 ‘ref. 82’) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 ‘ref. 82’), Rodriguez at the least explicitly discloses “*...the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*” (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt inexplicitly discloses having the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device. However, the examiner maintains that the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) identifying a current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100); determining the current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the location of the terminal (100). As additional support, Irvin at the least further discloses

having the feature(s) a read only memory (170) for storing a list comprising area codes (i.e., digit) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones; and initiating (i.e., dialing) a call to the telephone number in the requested communication only if the area code of the requested communication telephone is an authorized telephone number area code and the current location of the wireless communication device is within an authorized geographic area (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones. In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460") and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be implicit for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 64**, Schmidt discloses every limitation claimed as applied above in claim 63. Schmidt does not specifically disclose having the feature(s) wherein the

current location is an absolute global positioning system position. However, the examiner maintains that the feature(s) wherein the current location is an absolute global positioning system position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current location is an absolute global positioning system position (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current location is an absolute global positioning system position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 65**, Schmidt discloses every limitation claimed as applied above in claim 63. Schmidt does not specifically disclose having the feature(s) wherein the current location is a relative global positioning system position. However, the examiner maintains that the feature(s) wherein the current location is a relative global positioning system position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current location is a relative global positioning system position (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) relative to safe zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current location is a relative global positioning system position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Claims 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)** as applied to claim 41 above, and further in view of Admitted prior art (**MPEP 2144.03**).

Regarding **claim 66**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature local toll charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature local toll charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature local toll charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., local toll charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by

specifically having the feature local toll charges, for the purpose of having local toll charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Regarding **claim 67**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature long distance charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature long distance charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature long distance charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., long distance charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by specifically having the feature long distance charges, for the purpose of having long distance charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Claims 46 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Agness et al.** (hereinafter Agness) (**US 6,799,052 B1**).

Regarding **claims 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a read only memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited), at least a portion of which are authorized area codes (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

the read only memory (58) also for storing one or more authorized geographic areas (e.g., home system or roaming), wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7,

lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a user interface (e.g., call initiator 36) accepting an inputted phone number (e.g., phone number) having an area code (e.g., phone number) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed “controller” connected to the read only memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)
determine whether the inputted phone number will incur a charge based on an evaluation of at least the area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 ‘ref. 82’), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 ‘ref. 82’), and

where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), and

the list comprising area codes (e.g., phone number - home system or prohibited) and the one or more authorized geographic areas stored in the read only memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of a phone call to the inputted phone number only if the area code is an authorized area code (e.g., phone number - home system or prohibited) and the current location (e.g., geographic area 74, 76, 78, 80) of the wireless device (28) is within an authorized geographic area (e.g., home

system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list comprising area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location was well known in the art, as taught by Agness.

Agness further discloses the feature(s) a global positioning system (GPS) device (45) for determining a current location of the wireless communication device (13) (see

col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);
a microprocessor (43) which reads on the claimed “controller” connected to the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);
the controller (43) configured to determine the current location (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Agness to have the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 63**, Schmidt discloses a method for restricting a requested communication on a wireless communication device, comprising:
storing in a read only memory (58) of the wireless communication device (28) one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7,

lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

storing in the read only memory (58) of the wireless communication device (28) one or more authorized telephone number area codes (e.g., phone number) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

receiving the requested communication, wherein the requested communication comprises a telephone number having an area code (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54;

Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

determining whether the area code of the requested communication telephone number is an authorized telephone number area code (e.g., phone number) stored in the read only memory (58) of the wireless communication device (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

identifying a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining whether the current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) is within an authorized geographic area (e.g., geographic area 74, 76, 78, 80) stored in the read only memory (58) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check

as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84');

initiating a call to the telephone number in the requested communication only if the area code (e.g., phone number) of the requested communication telephone number is an authorized telephone number area code and the current location of the wireless communication device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt inexplicitly discloses having the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication

device. However, the examiner maintains that the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device was well known in the art, as taught by Agness.

Agness further discloses the feature(s) identifying a current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13); determining the current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Agness to have the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

(10) Response to Argument

The Examiner's response to the arguments of the brief concerning the art rejection of claims 46, 48, and 63-67 are as follows:

A. Brief Description of Communication Systems

A1. ...authorized and/or unauthorized geographic characteristics are stored in the memory...the memory include a **programmable read-only memory (PROM) on which is stored the authorized and/or unauthorized geographic characteristics...PROM may or may not be rewritable...** (for above paragraph - see instant application, section summary of the invention, par. bridging pgs. 3-4).

A2. ...memory 130...provides temporary and/or permanent memory storage (e.g., RAM and/or ROM)....memory 130 may also include insertable and/or external memory... (for above paragraph - see instant application, section detailed description of the invention, pg. 5, 2nd full par.).

A3. ...stores a list of authorized and/or unauthorized **geographic characteristics** in the memory 130. **Geographic characteristics** relate to **geographic information** that may be ascertained from a phone number and/or the present location...**Geographic information** may include...**area codes** and/or sets of **phone numbers** within particular area codes...**geographic information** may include parameters indicating...area codes...phone numbers...are authorized and/or unauthorized... (for above paragraph -

see instant application, section detailed description of the invention, par. bridging pgs. 6-7).

A4. ...**invention** provides a portion 300 of the memory 130 that includes a section 310 and another section **320**...Section **320** of the memory 130 includes a **database** that contains...a **list of unauthorized** and/or **authorized geographic characteristics** (e.g., unauthorized and/or authorized area codes)... (for above paragraph - see instant application, section detailed description of the invention, pg. 8, lines 11-13,15-17).

A5. ...**memory** 130 can be **programmed** in a number of ways...instruction sets and the **database can be programmed** via input device 170 and/or the display of the wireless communications device 100... (for above paragraph - see instant application, section detailed description of the invention, pg. 8, lines 21-23).

A6. ...portion 300 is a programmable read-only memory...PROM...may be **rewritable**...programming the PROM as are known by those of ordinary skill in the art... (for above paragraph - see instant application, section detailed description of the invention, pg. 9, lines 8-17).

A7. memory...part of a computer or sophisticated phone system which stores information or instructions for use...memory comes in many variations. There is memory which is lost when power is switched off. There is **memory** which is **retained**

when power is **turned off**... (for above paragraph - see Harry Newton, "Memory", Newton's Telecom Dictionary, February 1999, Miller Freeman, Inc., 15th ed., pg. 489.).

A8. PROM...programmable read only memory...PROM is a programmable semiconductor device...PROM acts like a **nonvolatile memory**... (for above paragraph - see Harry Newton, "PROM", Newton's Telecom Dictionary, February 1999, Miller Freeman, Inc., 15th ed., pg. 628.).

A9. ROM...read only memory...the existing data is **non-volatile**. This means it **stays** there even when power is **turned off**...ROM is a memory device which is **programmed**... (for above paragraph - see Harry Newton, "ROM", Newton's Telecom Dictionary, February 1999, Miller Freeman, Inc., 15th ed., pg. 677.).

A10. RAM...random access memory...problem with RAM memory is that it's **volatile**. This means when power is turned off (or power glitches occur) RAM memory is erased... (for above paragraph - see Harry Newton, "RAM", Newton's Telecom Dictionary, February 1999, Miller Freeman, Inc., 15th ed., pgs. 647.).

B1. Argument of Claims 46 and 63 (see brief - pgs. 13 & 16-17)

Appellant argues -

- a. *...user-programmable...cannot be interpreted as a read only memory... (see pg. 13, 1st full par.; par. bridging pgs. 16-17)*

b. *...programmable in that user may input safe zone locations ...not equivalent to a read only memory...* (see pg. 13, 2nd full par.; pg. 17, 1st full par.)

B2. Response to argument of B1

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see B1 above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding appellant's argument in item B1, the appellant's argument relies on a features indicated above that are not articulated in the claim(s).

Furthermore, in response to appellant's arguments above (see B1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art to Schmidt (as supported by Rodriguez and Irvin). **Note #1**, see at least above items 10-A1 & 10-A4 - 10-A9. The appealed claim language does not preclude a user from programming a memory of the device. In addition, the appealed claim language basically describes *a read only memory for storing a list*, but does not articulate who, how, or when the read only memory has information (e.g., area codes) stored. **Example 1**, Schmidt discloses memory 58 is preferably a **non-volatile** memory surviving power-up and **power-down** (see col. 6, lines 31-33) as evidenced by the fact that one of ordinary skill in the art would clearly recognize a *non-volatile memory* surviving power-up and power-down must be a *read only memory*.

C1. Argument of Claims 46 and 63 (see brief - pgs. 13 & 17)

Appellant argues -

- a. *...fail to teach...a read only memory for storing a list comprising area codes...*
(see pg. 13, 2nd full par.)
- b. *...do not teach...any specific type of memory...* (see pg. 13, 2nd full par.; pg. 17, 1st full par.)
- c. *...fail to teach...storing a the read only memory of the wireless communication device one or more authorized telephone number area codes...* (see pg. 17, 1st full par.)

C2. Response to argument of C1

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see C1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the combined teachings of the prior art Schmidt (as supported by Rodriguez) and Irvin that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. **Note #2**, see at least above items 10-A1 & 10-A3 - 10-A9. In particular, Schmidt discloses the argument(s) as related to the claimed feature(s)

a read only memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited), at least a portion of which are authorized area codes (e.g., home system) { (see abstract; col. 7, lines 46-59, 27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Example 2, Schmidt discloses a mobile station (28) including a memory (58) controlled by a processor 54 (see col. 6, lines 27-28; Fig. 2 'ref. 58'), and memory (58) is preferably a **non-volatile** memory surviving power-up and power-down (see col. 6, lines 31-33), and memory 58 is a **storage** area to program both phone numbers and alphanumeric tags (see col. 6, lines 28-31; Fig. 3), and second area 62 **stores the phone numbers** (see col. 6, lines 36-37), and memory locations have been allocated for **group** phone numbers and **conventional** phone numbers (see col. 6, lines 37-42), and the mobile station has a dialable 10-digit number (see col. 5, lines 50-54; Fig. 5 'ref. 82'), where the 10-digit number includes a first 3-digit area code, a second 3-digit exchange code, and

last 4-digit subscriber code. The mobile station can have group phone numbers and conventional phone numbers programmed for employees by a user such as corporate IT person, cellular network technician, and/or employee (see col. 1, lines 48 et seq.).

Example 3, Schmidt discloses the mobile station has a dialable 10-digit number (see col. 5, lines 50-54; Fig. 5 'ref. 82'), where the 10-digit number includes a first 3-digit area code, a second 3-digit exchange code, and last 4-digit subscriber code, and where the mobile station includes determinators (40, 42) utilized in determining which outgoing calls may be transmitted (see col. 6, lines 9-11), and if the determinator (40) determines the mobile station is in its home system, the call is placed (see col. 7, lines 58-61; Fig. 5 'ref. 84'), and if the determinator (40) determines the mobile station (28) is not in its home system and is roaming, then determinator (42) determines that the state of ROEF for that particular group phone number, and determines permit call while roaming (see col. 7, line 64 - col. 8, line 4; Fig. 5 'ref. 88'). }. As a result, Schmidt's teachings clearly indicate that phone numbers are stored and an area code of a phone number and location is evaluated to permit a call which reads on "...a read only memory for storing a list comprising area codes, at least a portion of which are authorized area codes...".

As further support of Schmidt disclosing of the claim feature a list comprising area codes (e.g., phone number) { (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Also, Rodriguez discloses of a **PROM** memory (see col. 5, lines 39-46). }.

As further support in the same field of endeavor, Irvin discloses the argument(s) as related to the claimed feature(s) read only memory for storing { (see col. 4, lines 14-16), where the memory 150 stores program instructions and data, and where memory 150 can include position memory 170 (see col. 4, lines 36-38). }. Therefore, the combination(s) of the reference(s) Schmidt (as supported by Rodriguez) and Irvin as addressed above more than adequately meets the claim limitations.

D1. Argument of Claims 46 and 63 (see brief - pgs. 13-14 & 17-18)

Appellant argues -

- a. *...fail to teach...the read only memory also for storing one or more authorized geographic area, wherein each authorized geographic area comprises absolute or relative position information...* (see pg. 13, 2nd full par.; pg. 14, 2nd full par.)
- b. *...fail to teach...storing in a read only memory of the wireless communication device one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position information...* (see pg. 17, 1st full par.; pg. 18, 1st full par.)

D2. Response to argument of D1

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see D1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the combined teachings of the prior art Schmidt (as supported by Rodriguez) and Irvin that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. **Note #3** (same as Note #2), see at least above items 10-A1 & 10-A3 - 10-A9. **Note #4**, the appealed claim language and appellant's arguments include alternative (optional) language such as 'or' (e.g., absolute or relative position). **Note #5**, claim 63 does not include the feature global positioning system (GPS).

In particular, Schmidt discloses the argument(s) as related to the claimed feature(s)

the read only memory (58) also for storing one or more authorized geographic areas (e.g., home system or roaming), wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information { (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming.

Example 4, Schmidt discloses the memory 58 is preferably a **non-volatile** memory surviving power-up and power-down (see col. 6, lines 31-33), and mobile station (28) has system (74) as its home system (see col. 7, lines 28-30), and the user selects one of the group phone numbers from memory 58 (see col. 7, lines 42-44; Fig. 5 'ref. 82'), and the home system ID number is **conventionally stored** in the mobile station (28) (see col. 7, lines 50-54), and if the determinator (40) determines that the current system ID number matches the home system ID number, i.e., the **mobile station (28) is in its home system**

the call is placed (see col. 7, lines 58-61; Fig. 5 'ref. 84'), *where the mobile station 28 is in the home system (74) and home system (74) is an authorized geographic area to establish a call with the stored phone number.*

Example 5. Schmidt discloses the wireless communication systems (74, 76, 78, 80) and each system services a different **geographical area** (see col. 7, lines 20-23; Fig. 4), and when a **mobile station is within** the geographical boundaries of a particular communication system it will use that particular communication system to transmit its calls (see col. 7, lines 24-26), and the determinator (40) determines if the system ID number of the cellular network in which the mobile station is **currently located** matches the system ID number of the mobile station's home system (see col. 7, lines 47-51), and the current system ID number is received at the mobile station 28 via signal (see col. 7, lines 54-55), and if the determinator 40 determines that the current system ID number matches the home system ID number, i.e., the **mobile station 28 is in its home system** the call is placed (see col. 7, lines 58-61; Fig. 5 'ref. 84'), *where the mobile station (28) is determined to be located in the mobile station's home system (74) which is an absolute (e.g., within home system) or relative (e.g., area within home system) position information*, and if the determines the mobile station 28 is not in its home system and is roaming, then determinator (42) determines that the state of ROEF for that particular group phone number, and determines permit call while roaming (see col. 7, line 64 - col. 8, line 4; Fig. 5 'ref. 88'), *where the mobile station is not in home system but located absolutely in another system (e.g., 76) which is located relative to the home system (74).* As a result, Schmidt's teachings clearly indicate storing an authorized geographic area

such as home system ID and receiving position information (e.g., system ID) which reads on "...the read only memory also for storing one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position...".

As further support of Schmidt disclosing of the claim feature as indicated above, Rodriguez at the least discloses general parameters relating to the unit itself are read from PROM memory, including, for example the home carrier station identification number in order for the unit to determine if it should operate in home mode or in roam mode { (see col. 5, lines 42-46). }.

As further support in the same field of endeavor, Irvin discloses the argument(s) as related to the claimed feature(s)

area comprises absolute or relative position information (e.g., geocoordinates) { (see col. 6, lines 3-14,17-18; col. 4, lines 30-40), where the GPS receiver (160) is able to determine the physical location of the terminal (100) in correlation to safe zones.

Example 6, Irvin discloses a read only memory (150, 170) for storing (see col. 4, lines 14-16), where the memory (150) stores program instructions and data, and where memory (150) can include position memory (170) (see col. 4, lines 36-38), and the current position may be saved in the position memory (170) with the previous phone locations (see col. 4, lines 59-61), and phone usage within the **safe zones** is understood to be **approved** usage (see col. 5, lines 36-37), and safe zones may be within a single cell covered by one base station or may be positioned about more than one **system** (e.g., system ID) (see col. 5, lines 43-47), and safe zone geocoordinates specify latitude and

longitude (see col. 5, lines 60-68), and safe zones and geocoordinates are stored in the position memory (see col. 6, lines 3-14,17-18).

Example 7, Irvin discloses location positioning during a control function such as transition to a new system (e.g., system ID), **call origination**, etc. (see col. 4, lines 49-52), and once the phone location (e.g., geocoordinates for absolute or relative position information) is determined, the control unit fetches the safe zones from the position memory (170) and compares the phone location with the locations of the safe zones stored in the position memory (170) (see col. 6, lines 33-37; Fig. 4 'ref. 440, 450, & 460'), and if the phone is within a safe zone, the control unit (102) understands the phone to be safe (see col. 6, lines 37-39), and phone usage within the **safe zones** is understood to be **approved** usage (see col. 5, lines 36-37). }. As support, Irvin's teachings clearly indicate that safe zones are stored in and fetched from memory, safe zones are compared, and phone usage is approved is safe zones which reads on "...the read only memory also for storing one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position...". Therefore, the combination(s) of the reference(s) Schmidt (as supported by Rodriguez) and Irvin as addressed above more than adequately meets the claim limitations.

E1. Argument of Claim 46 (see brief - pg. 15)

Appellant argues - *...fail to teach...determining whether an inputted phone number will incur a charge based on an evaluation of the one or more authorized geographic areas stored in the read only memory...* (see pg. 15, 2nd full par.)

E2. Response to argument of E1

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see E1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the combined teachings of the prior art Schmidt (as supported by Rodriguez) and Irvin that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. **Note #6**, the appealed claim language and appellant's arguments include alternative (optional) language such as 'whether'. **Note #7**, the orig. spec. on pg. 1, lines 19-22, recites "...cellular phone is given with instructions...not to make long distance calls on the loaner phone...cost of the phones calls made...entirely absorbed by the cellular service provider or the company that provided the cellular phone...", which provides language describing long distance calls incur a cost or charge. **Note #8**, the orig. spec. on pg. 1, lines 19-22, recites "...blocking out calls to particular area codes (e.g., area codes that

would accrue long distance tolls)...”, which describes an area code can accrue long distance tolls in which an area code corresponds to an area (i.e., geographic area).

In particular, Schmidt discloses the argument(s) as related to the claimed feature(s)

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2) determine whether the inputted phone number will incur a charge based on an evaluation of at least the area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 ‘ref. 82’), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 ‘ref. 82’), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53),

the list comprising area codes (e.g., phone number - home system or prohibited) and the one or more authorized geographic areas stored in the read only memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 ‘ref. 84’), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 ‘ref. 92’ and 6a ‘ref. 124 & 128’) and where incoming or outgoing calls are permitted based on phone number

and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112').

Example 8, Schmidt discloses a **roaming** mobile station will incur roaming charges, and possibly charges, when placing or receiving calls of any type (see col. 1, lines 19-21), and roaming charges may be as high as 10x the normal rate per minute charge that would be incurred if the mobile station were communicating in its **home system** (see col. 1, lines 22-25).

Example 9, Schmidt discloses the user originates a call from one of the phone numbers (e.g., including area code) in memory (58) (see col. 7, lines 41-44; Figs. 4 & 5 'ref. 82'), and the mobile station (28) is in its home system and the call is placed (see col. 7, lines 58-61; Fig. 5 'ref. 84'), where the mobile station (28) is within the home system (74), allowed to place a call, and may not incur a charge since home system (74) is an authorized geographic area.

Example 10, Schmidt discloses the user originates a call from one of the phone numbers (e.g., including area code) in memory (58) (see col. 7, lines 41-44; Fig. 5 'ref. 82'), and the determinator 40 then checks to see if the mobile station is roaming (see col. 7, lines 46-47), and when the mobile station (28) travels outside of the geographical boundaries of system 74, it is considered to be **roaming** (see col. 7, lines 30-32; Fig. 4), and the mobile station 28 is not in its home system and is roaming (see col. 7, lines 65-67), and the determinator (42) determines the state of the ROEF for that particular phone number (see col. 7, line 67 - col. 8, line 2), and the determinator (42) determines that ROEF-2 is state '0' prohibiting calls to group no. 2 while roaming, the processor blocks

the call and activates the forbidden indicator (see col. 8, lines 6-10; Fig. 5 'ref. 92'), where the mobile station (28) is roaming and the call is prohibited indicates that there may be a charge for the call and is unauthorized. }. As a result, Schmidt's teachings clearly indicates a called number and geographic position (e.g., home system) checked for allowing or prohibiting a call according to a roaming charge which reads on "...determining whether an inputted phone number will incur a charge based on an evaluation of the one or more authorized geographic areas stored in the read only memory ...".

As further support of Schmidt disclosing of the claim feature as indicated above, Rodriguez at the least discloses the set toll restrictor codes represents a number of different codes that specify the allowable combination of area codes and dialing prefixes { (see col. 11, lines 48-51) }, and general parameters relating to the unit itself are read from PROM memory, including, for example the home carrier station identification number in order for the unit to determine if it should operate in home mode or in roam mode { (see col. 5, lines 42-46) }. Therefore, the combination(s) of the reference(s) Schmidt (as supported by Rodriguez) and Irvin as addressed above more than adequately meets the claim limitations.

F1. Argument of Claims 46 and 63 (see brief - pgs. 20-21 & 23)

Appellant argues -

a. *...user-programmable...cannot be interpreted as a read only memory...* (see par. bridging pgs. 20-21; pg. 23, 2nd full par.)

F2. Response to argument of F1

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see F1 above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding appellant's argument in item F1, the appellant's argument relies on a features indicated above that are not articulated in the claim(s).

Furthermore, in response to appellant's arguments above (see F1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art Schmidt (as supported by Rodriguez) and Agness. **Note #9** (same as Note #1 above), see at least above items 10-A1 & 10-A4 - 10-A9. The appealed claim language does not preclude a user from programming a memory of the device. In addition, the appealed claim language basically describes *a read only memory for storing a list*, but does not articulate who, how, or when the read only memory has information (e.g., area codes) stored. **Example 1**, Schmidt discloses memory 58 is preferably a **non-volatile** memory surviving power-up and **power-down** (see col. 6, lines 31-33) as

evidenced by the fact that one of ordinary skill in the art would clearly recognize a *non-volatile memory* surviving power-up and power-down must be a *read only memory*.

G1. Argument of Claims 46 and 63 (see brief - pgs. 21 & 23)

Appellant argues -

- a. ...*fail to teach...a read only memory for storing a list comprising area codes...*
(see pg. 21, 1st full par.)
- b. ...*do not teach...any specific type of memory...* (see pg. 21, 1st full par.; pg. 23, 3rd full par.)
- c. ...*fail to teach...storing a the read only memory of the wireless communication device one or more authorized telephone number area codes...* (see pg. 23, 3rd full par.)

G2. Response to argument of G1

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see G1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the combined teachings of the prior art Schmidt (as supported by Rodriguez) and Agness that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art.

Note #10, Arguments directed to Schmidt and Rodriguez are **repetitious arguments** addressed in *item C2* above.

As further support in the same field of endeavor, Agness discloses the argument(s) as related to the claimed feature(s)

a global positioning system (GPS) device (45) for determining a current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed “controller” connected to the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);

the controller (43) configured to determine the current location (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13). Therefore, the combination(s) of the reference(s) Schmidt (as supported by Rodriguez) and Agness as addressed above more than adequately meets the claim limitations.

H1. Argument of Claims 46 and 63 (see brief - pgs. 21-22 & 23-24)

Appellant argues -

- a. *...fail to teach...the read only memory also for storing one or more authorized geographic area, wherein each authorized geographic area comprises absolute or relative position information... (see pg. 21, 1st full par.; pg. 22, 1st full par.)*

b. *...fail to teach...storing in a read only memory of the wireless communication device one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position information... (see pg. 23, 3rd full par.; pg. 24, 2nd full par.)*

H2. Response to argument of H1

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see H1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the combined teachings of the prior art Schmidt (as supported by Rodriguez) and Agness that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. **Note #11**, Arguments directed to Schmidt and Rodriguez are **repetitious arguments** addressed in **item D2** above.

As further support in the same field of endeavor, Agness discloses the argument(s) as related to the claimed feature(s)

identifying a current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

determining the current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13). Therefore, the combination(s) of the reference(s) Schmidt (as supported by Rodriguez) and Agness as addressed above more than adequately meets the claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/WJD,Jr/

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